



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, Ca. 94105-3901

SFUND RECORDS CTR

0217-91231

May 18, 1993

Mr. Ed Waltz  
The Goodyear Tire and Rubber Company  
1144 East Market Street  
Akron, Ohio 44316

RE: Phoenix-Goodyear Airport Area Superfund Site (south)  
Access to Property Not Owned by Goodyear Tire

Dear Mr. Waltz:

This letter concerns requirements for Goodyear Tire and Rubber Company (Goodyear) to obtain access to monitoring wells 25A, 26A, and the Phillips well.

By letter dated October 21, 1992, Goodyear reconfirmed with EPA that Goodyear's consultant, Bartholomew Engineering, was unable to sample the Phillips well for the routine monitoring in June 1992. The reason given was that Mr. Phillips would not allow Dick Bartholomew access onto his property. In addition, several times in 1992 Goodyear informed EPA that, although access to wells 25A and 26A have not been a problem, Goodyear did not have formal access agreements to the property where these wells are located. In response to Goodyear's request, EPA could not identify or locate any previous EPA access agreements to well 25A and 26A.

Both the Operable Unit Consent Decree and Final Remedy Consent Decree require Goodyear to obtain access to property not owned or controlled by Goodyear when such access is necessary to carry out work required by each decree (for example the Subunit A Groundwater Remedy or the Subunit B/C Groundwater Remedy).

With respect to gaining access to the above-mentioned wells, Goodyear must use its best efforts to obtain access from the present owners or person who has control of such property. EPA's primary concern in this matter is complete and timely implementation of the Goodyear document, Final Monitoring Plan, approved by EPA on December 14, 1992. The Final Monitoring Plan requires periodic sampling of wells 25A, 26A and the Phillips well. Therefore, to the extent that Goodyear is able to comply with the requirements of the Final Monitoring Plan, a formal access agreement between Goodyear and a property owner is not required. However, EPA does recommend that Goodyear obtain access agreements

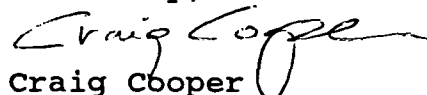
for any well in order to facilitate compliance with the Final Monitoring Plan.

EPA considers gaining access to the Phillips well for the June sampling round of great importance. Section XIV.E. of the Final Remedy Consent Decree states that Goodyear has sixty (60) days after EPA approval of the 30% Conceptual Design of the Subunit B/C Groundwater Remedy to obtain access to wells such as the Phillips well. However, in light of Goodyear's October 21, 1993 letter, EPA considers that Goodyear has to date maintained compliance with the Final Remedy Consent Decree regarding the Phillips well. By letter dated May 10, 1993, EPA sent Mr. Clint Phillips a letter requesting permission for Mr. Bartholomew to take a water sample from the Phillips agricultural well this coming June. I will inform you of the outcome of EPA's discussions with Mr. Phillips and will provide Goodyear with specific requirements regarding gaining access for future sampling of the Phillips well.

Finally, EPA would like to remind Goodyear of its commitment to sample COG wells 1,7, and 11 starting with the June 1993 sampling round. In addition, EPA is also interested in commencing a discussion with Goodyear's consultant about Section VII.D.22.i. of the Final Remedy Consent Decree regarding well monitoring aspects of the Subunit B/C Groundwater Remedy Preliminary Operation and Maintenance Plan. Also for your information, EPA intends to take a limited number of spilt samples from certain wells during the June 1993 sampling round. EPA's consultant has been in contact with Mr. Bartholomew to coordinate our efforts regarding this matter.

If you have any questions regarding this letter, please call me at (415) 744-2370.

Sincerely,



Craig Cooper  
Remedial Project Manager

cc: Todd Struttman, Sharp and Associates  
Larry Smith, URS Consultants  
Byron James, ADEQ